



January 25, 2006

House Natural Resources, Great Lakes, Land Use, and Environment Committee

Re: Water use legislation, SB 850–852, 854, 857

Dear committee members:

My name is Kelly Dardzinski, and I am the Environmental Advocate for the Public Interest Research Group In Michigan. PIRGIM is a non-profit, nonpartisan, statewide organization that has been protecting Michigan's consumers, its voters, and its environment for over thirty years. With the support of our 10,000 current members, PIRGIM has been working with the Great Lakes, Great Michigan coalition to promote laws that protect Michigan's waters from overuse and unwise exportation schemes, and prevent harm to its water-dependent natural resources.

While PIRGIM is pleased to see water use legislation moving forward, there are three holes in the current package that must be plugged to ensure that Michigan's waters are adequately protected. First, these bills do not give the Legislature any control over proposals to divert our water out of the Great Lakes basin. This omission presents a grave threat in light of the fact that the governor's ability to veto unwise diversion proposals is currently under legal challenge. If that challenge is successful, Michigan will have lost control over its most valuable public resource unless a secure back-up plan is in place.

Second, we urge the committee to include an amendment to provide for sound water conservation practices that each water-using sector would develop. This win-win proposition will save businesses money, reduce harm to our fish and wildlife, prevent unnecessary conflicts between water users, and strengthen Michigan's ability to prevent unwise diversion schemes under international trade laws.

Third, SB850 has been touted as a bill that will protect our water-dependent natural resources from adverse impacts. However, as currently drafted, it only protects against those impacts so severe that they impair the ability of the native fish population to survive. Not only is this threshold troublingly high, this standard does not account for any damage that occurs to the overwhelming number of wildlife species that depend on the vital area at the water's edge. It also does not account for the property damage that a landowner could incur as the result of a neighboring large-scale water user. In the course of researching our report on local water shortages, *Left Out To Dry*, PIRGIM talked to one homeowner whose large backyard pond was completely dried up due to a neighboring sand and gravel operation, leaving his home overlooking a dry crater the size of a football field. By the time the conflict was resolved, the trees that had grown at the pond's edge had all died from lack of water. To protect landowners from this kind of expensive, potentially irreversible property damage, we propose the expansion of the adverse resource impact definition in SB 850 to include damages to natural resources and wildlife habitat on private property caused by large-scale water withdrawals.

PIRGIM's members have written thousands of postcards urging the Legislature to pass water-use laws that will not let our most precious public resource pour out through loopholes created by and for special interests. With the addition of these three amendments, we will be able to proudly report to your constituents that you have done what they asked. Thank you for the opportunity to participate in this process.